

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

DECEMBER 1, 2009

#### CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Superintendent Huskey and Executive Secretary Dunsmore were also in attendance.

Marc Carmichael, Jeff McKean, Cindy Tooman, Trevor Vance, Greg Genrich, Jim Purucker, Phil Terry, John Barnett, Peter Rusthoven, Jim Howard, Nicole Upano, Mark Webb and Bart Herriman were present as observers.

#### DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the November 17, 2009 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the December 1, 2009 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

#### CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the

inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Two hundred ninety-three (293) renewals approved, thirty-four (34) new and/or transfer permits approved, eight (8) permits approved for catering, four (4) permits approved for first year escrow, one (1) permit approved for second year escrow, three (3) permits approved for third year escrow, and one (1) permit approved for fifth year escrow.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

RR02-03764 CSK, LLC, D/B/A FIRST & LAST TAVERN – Commissioner Guthrie noted this is a type 210 transfer of ownership application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the transfer. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL17-26161 AMAN & BEGHEL PETROLEUM, INC., D/B/A ASHLEY DELI – Commissioner Guthrie noted this is a new type 115 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR54-25974 ACC KARAMBAS, INC. – Commissioner Guthrie noted this is a new type 103 application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated the local board has issues regarding the ownership.

Commissioner Guthrie moved to uphold the local board and disapprove the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RC46-05408 POLISH FALCONS OF AMERICA 564 - Commissioner Guthrie noted this is a type 211-4 renewal application with the local board voting three (3) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR19-85272 SHULTZ COUNTY CAFÉ, INC. – Vice Chairman Johnson noted this is a type 209 renewal application with the local board voting three (3) to zero (0) to approve.

Vice Chairman Johnson stated this file came to the Commission because of issues regarding food sales.

Vice Chairman Johnson moved to uphold the local board and approve the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

### **INACTIVE FILES**

DL21-10755 TRI-COUNTY SPIRITS – Commissioner Guthrie noted this permit was made inactive because of non-renewal. However, it is part of an estate that did not properly file any paperwork for the renewal, so the parties were unaware of the situation.

Commissioner Guthrie moved to reactivate the permit and allow the estate to clear up any problems with this permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES – Vice Chairman Johnson moved to make eleven (11) permits inactive. Ten (10) permits are not subject to auction and one (1) permit is subject to auction. Motion seconded by Commissioner Guthrie and it was unanimously approved.

### **OLD BUSINESS**

No Old Business

### **NEW BUSINESS**

W 49-22763 AND W 49-22764 INDIANA WHOLESALE WINE & LIQUOR CO., INC.  
– See attached transcript.

### **POLICY DETERMINATIONS**

No Policy Determinations

### **ANNOUNCEMENTS**

No Announcements

### **ADJOURNMENT**

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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P. TOM SNOW, CHAIRMAN

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DAVID JOHNSON, VICE CHAIR

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DALE STURTZ, COMMISSIONER

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FRANK GUTHRIE, COMMISSIONER